

DETAILED ACTION

BPAI Decision

1. This communication is responsive to the BPAI (BOARD OF PATENT APPEALS AND INTERFERENCES) Decision filed on 01/15/2010.

It is noted that the BPAI reversed the examiner's rejection under 35 USC 102(b), so that the previous prior art rejection is withdrawn. However, the BPAI introduced new grounds of rejection under 101 for claims 1, 16, 23 and 112 2nd for claims 31, 33 and 35 (see detail in the Decision on Appeal, pages 4-6).

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with the applicant's representative, James Janniello (54,197), on 01/28/2010. The applicant's representative and examiner made an agreement to further amend the corresponding claims for overcoming the new grounds of rejection under 101 for claims 1, 16, 23 and 112 2nd for claims 31, 33 and 35, introduced by the BPAI as stated above. Examiner's Amendment is as following:

In the **claims** (refer to the claims in the Appendix of Appeal Brief filed on **05/07/2008**):

Regarding **claim 1**, line 3 of the claim, after “identifying”, insert --, by using one or more processors of a computer system--;

line 4 of the claim, after “clustering”, insert --, by using one or more processors of said computer system--.

Regarding **claim 16**, line 3 of the claim, after “identifying”, insert --, by using one or more processors of a computer system--;

line 4 of the claim, after “clustering”, insert --, by using one or more processors of said computer system--.

Regarding **claim 23**, line 3 of the claim, after “identifying”, insert --, by using one or more processors of a computer system--;

line 4 of the claim, after “clustering”, insert --, by using one or more processors of said computer system--.

Regarding **claim 31**, replace the whole claim with -- A computer program product embodied in a computer readable storage medium having computer readable program code, comprising:

 a computer readable program code to identify potential segment boundaries in said audio source; and

 a computer readable program code to cluster homogeneous segments from said audio source substantially concurrently with said identification of segment boundaries. --.

Regarding **claim 33**, replace the whole claim with -- A computer program product embodied in a computer readable storage medium having computer readable program code, comprising:

a computer readable program code to identify potential segment boundaries in said audio source; and

a computer readable program code to cluster segments from said audio source corresponding to the same speaker substantially concurrently with said identification of segment boundaries. --.

Regarding **claim 35**, replace the whole claim with -- A computer program product embodied in a computer readable storage medium having computer readable program code, comprising:

a computer readable program code to identify potential segment boundaries during a pass through said audio source; and

a computer readable program code to cluster segments from said audio source corresponding to the same speaker during said same pass through said audio source. --.

-----*End of Examiner's Amendment*-----

Allowable Subject Matter

4. Claims 1-35 are allowed.

The examiner's statement of reasons for allowance is based on the BPAI Decision on Appeal filed on 01/15/2010 (see pages 2-4), in which the BPAI reversed all examiner's prior art rejection, **and** based on the examiner's amendment that is authorized by the applicant's

representative for overcoming the new grounds of rejection under 101 and 112,2nd introduced by the BPAI as stated above.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to QI HAN whose telephone number is (571)272-7604. The examiner can normally be reached on M-TH:9:00-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QH/qh
January 29, 2010
/QI HAN/
Primary Examiner, Art Unit 2626